

# OWEN COUNTY KENTUCKY

## SUBDIVISION REGULATIONS

Prepared by:  
Brian Dehner  
Northern Kentucky Area Development District



# SUBDIVISION REGULATIONS for OWEN COUNTY, KENTUCKY

Prepared for:

THE OWEN COUNTY FISCAL COURT

## TABLE OF CONTENTS

<u>ARTICLE</u>		<u>PAGE</u>
I	TITLE, PURPOSE AND POLICIES	3
II	DEFINITIONS	5
III	JURISDICTION, PROCEDURE, AND ENFORCEMENT	8
IV	SUBDIVISION DESIGN STANDARDS	11
V	PLAT SPECIFICATIONS	19

**ARTICLE I**  
**TITLE, PURPOSE AND POLICIES**

100    **TITLE**

These regulations shall be known, referred to, and cited as “The Subdivision Regulations of Owen County, Kentucky” and shall hereinafter be referred to as “these regulations”.

110    **AUTHORIZATION**

The following Owen County Subdivision Regulations are hereby enacted and adopted by the Owen County Fiscal Court in accordance with KRS 100.273.

120    **PURPOSE AND POLICY**

It is declared to be the policy of the Owen County Fiscal Court to consider land subdivision plats as part of a plan for orderly, efficient and economical development of the area of Owen County to the benefit of public health, safety, convenience and general welfare. The purpose of the standards and procedures included is to provide a guide for the change that occurs when land acreage becomes urban in character as a result of development for residential, commercial, or industrial purposes; to provide that the purchasers of lots are buying a commodity that is suitable for development and use; and to provide for proper provision of public services in an efficient, safe, and orderly manner. This shall be interpreted to include the following objectives, which shall guide the Fiscal Court in formulating its decisions:

- a. Land to be subdivided shall be of such character that it can be used safely for building purposes with minimum risk of danger to health, or peril from fire, flood, or other menace.
- b. Proper provision shall be made for drainage, water supply, sewage, and other needed improvements and utilities.
- c. Proposed streets shall compose a convenient and efficient traffic circulation system, properly related to the proposals of the adopted Road Regulations.
- d. Streets shall be of such width, grade and location as to accommodate prospective traffic and to facilitate fire protection.
- e. Areas of suitable location, size and character for playground, other recreational purposes, or public community services shall be shown on the subdivision plat, wherever appropriate.

130 INCONSISTENCY WITH OTHER PROVISIONS

Wherever there is a discrepancy between minimum standards set forth in these regulations and those of any other lawfully adopted rule, regulation, ordinance or resolution, the most restrictive or highest standard shall apply.

Nothing in these regulations shall prohibit the subdivider from placing self-imposed restrictions, or imposing higher standards than required by these regulations, but not in violation of these regulations, on the development. Such deed restrictions or covenants shall be appropriately recorded and referenced on the plat before the plat is processed by the court and filing with the County Clerk.

Such deed restrictions or covenants shall also not contain reversionary clauses wherein any lots shall return to the subdivider because of a violation of the terms of the restrictions or covenants.

140 SEPARABILITY

If any article, section, subsection, sentence, clause or phrase of these Regulations is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations.

150 AMENDMENTS

Any requirements or provisions of these Regulations may be changed and amended by approval of the Fiscal Court in accordance with applicable State Statutes.

160 EXCEPTIONS

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this regulation would result in real difficulties or substantial hardship or injustice, the Fiscal Court may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the County are protected and the general intent and spirit of these regulations are preserved.

## **ARTICLE II DEFINITIONS**

For this purpose, certain words and terms are herewith defined; words used in present tense include the future, the singular includes the plural and the plural includes the singular, the word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement; the word “structure” includes the word “building”; the words “building” and “structure” include any part thereof; and the word “person” includes a firm, association, organization, partnership, trust, company, or cooperation as well as an individual.

All definitions in Article XIV of the Owen County Zoning Ordinance shall also apply.

1. Administrative Officer: A person authorized by the Fiscal Court to act on its behalf; Enforcement Officer.
2. Alley: A street providing a secondary means of access to a property abutting upon it.
3. Arterial Street (Major Street): A street having the primary function of traffic service and designated as a major street in the adopted Road Regulations.
4. Building Line: A line in the interior of a lot which is generally parallel to and a specified distance from the street right-of-way line or lines. No building or structure shall then be placed in the space between the building line and the street right-of-way line(s).
5. Collector Street (Major Street): A street having a primary function of collecting and distributing vehicular traffic between local streets or areas and the major arterial system, and designated as a collector street in the adopted Road Regulations.
6. Commission: The Owen County Fiscal Court.
7. Road Regulations: The adopted Road Regulations prepared and adopted by the Fiscal Court indicating the general pattern for the future location of streets, parks, public buildings, land uses, and other similar information.
8. County: Owen County, Kentucky.
9. Cul-de-sac: A permanent dead-end street or court culminated by a turnaround and not intended to be extended in the future.

10. Density: Density shall mean the total area of all building lots divided by 43,560.
11. Engineer: A licensed civil engineer appointed by the Judge Executive or Fiscal Court.
12. Governing Authority: The Fiscal Court.
13. Lot: A parcel of land usually referred to by number or letter intended as a unit of transfer of ownership or for development or both (See Exhibits 2-1 and 2-2 for lot terms and lot types). Lot will also be deemed any unit of land being leased, or rented, with a livable dwelling placed upon it. The minimum lot size for these regulations will be one (1) acre.
14. Minor Street: A street having a primary function of providing service and vehicular access to abutting land and not designed for high volumes of traffic, but having sufficient width to serve occasional parking and lot volume of traffic.
15. Minor Subdivision: The division of a tract of land into three (3) or fewer lots, including the remainder of the original tract. Such lots shall front on an existing public street, and involve no new street, widening or extending of an existing street or new utility easements.
16. Manufactured Subdivision: A subdivision used exclusively for placement of certified manufactured homes for residential use along with other uses expressly permitted in these regulations. Lots in a manufactured home subdivision shall meet the minimum lot requirements of these subdivision regulations. Nothing herein shall prohibit the purchaser of an individual lot from placing a certified manufactured home upon the lot purchased from the subdivision developer and renting the subdivision lot and certified manufactured home thereon. The procedure for subdividing land for manufactured home subdivisions shall be the same as those for subdividing land for conventional dwellings.
17. Net Acre: Net acre shall mean a land area measuring 43,560 square feet, exclusive of all public streets and areas dedicated to the public.
18. Plans: All drawings, including general plans, cross sections, profiles, working details, and specifications, which the subdivider prepares or has prepared to show the character, extent, and details of the improvements required under articles VI, VII, and VIII of these regulations.
19. Plat: A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided, as required in this regulation for preliminary and final approval and recording.

20. Street:
- a. Private: Private streets shall only be permitted to serve less than three residential single-family dwellings.
  - b. Public: Any new street serving three or more single-family dwellings and any new street serving two or more commercial or industrial buildings must be a public street to County standards, as appropriate, and dedicated to the appropriate legislative body.
21. Subdivision: The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved; provided that a division of land for agricultural use, development fronts an existing State or County approved road and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

Any division of land for agricultural purposes must be five (5) acres or greater, have a minimum of 60 feet of road frontage. Further, at no point shall a five-acre lot have a width of less than 60 feet.

**ARTICLE III**  
**JURISDICTION, PROCEDURE, AND ENFORCEMENT**

300    **JURISDICTION**

After the date of adoption of these regulations it shall be unlawful for any person of any land in Owen County, to subdivide or lay out such land in lots before securing the approval of the Owen County Fiscal Court of a plat designating the areas to be subdivided; and no plat of a subdivision of land within Owen County shall be recorded by the County Court Clerk until the plat has been approved by the Fiscal Court and the approval entered thereon in writing by the Chairman, secretary or other duly authorized officer of the Fiscal Court.

310    **VOIDANCE AND INABILITY TO SELL PROPERTIES IN NONAPPROVED SUBDIVISION**

No person owning land composing a subdivision as defined in Article II, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Fiscal Court and has been recorded. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights or remedies he may otherwise have.

It shall be illegal to sell or offer to sell any lot, tract, or property created after the adoption of these regulations which does not conform to the requirements of these Regulations and every sale or attempt to sell shall be constituted a misdemeanor, such misdemeanor subject to a fine of not less than \$100.00 nor more than \$500.00 for each lot.

The Fiscal Court may apply for an injunction against any type of subdivision construction by the subdivider or the landowner where the subdivision regulations have been violated.

320    **PLATS REQUIRED**

The subdivider shall submit plats in accordance with this document. A plat shall be submitted to the Fiscal Court for approval. Upon approval of the plat, and approval of the construction plans for the required improvements, in accordance with this regulation, the subdivider shall indicate intent to (a) install the minimum improvements, or (b) furnish a letter of credit to cover the cost of the improvements in accordance with these regulations.



No plat shall be filed for record or recorded in the Office of the County Court Clerk unless and until approved by the Fiscal Court, and no lot shall be sold from such plat or replat unless and until approved by the Fiscal Court and filed for record in the Office of the County Court Clerk. The approved final plat, once recorded, becomes the “record plat”.

EXHIBIT 3-1  
SUBDIVISION PROCESSING PROCEDURE

PARTICIPANTS

Land Owner/Developer

Fiscal Court  
Judge/Executive

Fiscal Court

<u>STEP</u>	<u>PROCESS</u>	<u>RESPONSIBLE PARTY</u>
1	Prepare Preapplication Sketch Plat	Subdivider
2	Prepare Plat	Subdivider Engineer/Surveyor
3	Prepare Construction Plans for Streets, Utilities, Stormwater Management Plans, and Sanitary Disposal etc.	Developer/ Subdivider/Certified Engineer
4	Submit Plat and Improvement Plans (10 Working Days Prior to Fiscal Court Meeting)	Subdivider
5	Distribution and Review of Plats and Plans	Fiscal Court, and Appropriate Agencies
6	Public Meeting on Plat	Fiscal Court, Subdivider, Engineer
7	Approval, Conditional Approval, or Disapproval of Plat (Within 60 days of Meeting)	Fiscal Court
8	Plat Stamped Approved, Signed and Recorded	Fiscal Court/ Judge/Executive
9	Letter of Credit posted	Fiscal Court/ Judge/Executive

330 FINES

The Fiscal Court may take action in accordance with KRS 100.991 to fine any person or entity that is in violation of these provisions or any of the regulations adopted pursuant hereunder for which no other penalty is provided.

## **ARTICLE IV SUBDIVISION DESIGN STANDARDS**

The Fiscal Court, in considering an application for the subdivision of land, shall be guided by the policy considerations specified in Article I, Section 120, of these Subdivision Regulations and the following general requirements and principles of designing subdivisions:

### **400     GENERAL LOCATION AND SITE REQUIREMENTS**

Land proposed for subdivision shall be of suitable character. The following are specific cases where the land shall be considered unsuitable, and the Fiscal Court shall act accordingly.

#### **A.     LAND SUBJECT TO FLOODING**

Land subject to flooding shall be clearly indicated on the plat and shall not be available for residential use or for any other use, which may increase the danger to health, life, or property, or aggravate erosion or flood hazards.

To ensure that buildable areas on lots will be located only where the applicant will provide flood-free building or house sites, the Fiscal Court may require the applicant to provide elevation and flood profiles sufficient to demonstrate that the building sites will be completely free from the danger of flooding. The floor elevations of houses, including the basement, shall be higher than the floodplain as defined by the National Flood Insurance Program. Fill may not be used to raise the land in the floodplain areas except where express permission has been given by the Fiscal Court, and state and federal agencies as required. In other areas subject to flooding, fill may be used provided the proposed fill does not restrict the flow of water and increase flood heights. The Fiscal Court shall approve no street subject to inundation or flooding resulting in isolating any portion of the subdivision. Fill, however, may be used in areas subject to flooding in order to provide flood-free streets, provided such fill does not increase flood heights in accordance with state and federal regulations.

#### **B.     LAND OF UNSUITABLE TOPOGRAPHY, SOIL AND OTHER**

If from adequate investigations conducted by all the public agencies concerned it has been determined that, in the best interest of the public, the land should not be platted and developed for the purpose proposed, the Fiscal Court shall not approve the land for subdivision unless adequate methods are formulated by the subdivider for meeting the problems that will be created by the subdivision and development of the land.

C. AREAS PREMATURE FOR DEVELOPMENT

The Fiscal Court may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety or welfare by reason of lack of adequate water supply or sewage disposal facilities, schools, fire or police protection, proper drainage, good roads and adequate transportation facilities or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services such as undue maintenance costs for adequate roads.

D. PRESERVATION OF EXISTING COMMUNITY ASSETS

In all subdivisions, due regard shall be given for historic elements or natural features which add attractiveness and value to the subdivision and the community. Included in such features are trees, vegetation, unusual rock formations, watercourses and sinkholes. The Fiscal Court may prepare a list of all such features within its area of jurisdiction, which it deems worthy of preservation where possible.

E. CONFORMITY WITH ADOPTED POLICIES

A proposed subdivision shall conform in general to the Statement of Goals and Objectives in the Owen County adopted Road Regulations.

410 STREETS

All street construction intended for public use before being dedicated beneficial to the public interest and suitable for acceptance for maintenance by the County must follow and meet these regulations:

The subdivider shall submit plans and specifications prepared by a registered engineer showing the proposed street system. Said plans shall show the proposed right-of-way width, pavement width, location and the proposed alignment, gradient, geometric details and typical cross sections of each including curbs and gutters and sidewalks (where applicable). Said plans and specifications shall show for each proposed street, design criteria such as street classification, pavement classification and thickness and classification of base and subbase materials. The minimum contained street construction standards are as follows:

**CLASS I: SUBDIVISION STREET**

1. Any proposed development that has lots with less than 210 feet of road frontage shall classify as a subdivision (Class I) roadway.
2. A plat of the proposed development shall be included in the original petition.

3. The Owen Co. Fiscal Court may dedicate and official street or roadway only when a minimum of 50% of the lots have been developed and the gravel & stone base has been in place at least one (1) year and said roadway meets Owen Co. Fiscal Court standards.
4. A minimum of 40 feet in width for right of way.
5. At least 20 feet of road surface with a base of 3 inches in depth of No. 4 stone, 4 inches of dense grade stone, 4 inches of base blacktop and 1 inch of surface blacktop in good condition.
6. Ditch lines on each side and necessary culverts with shoulders on each side of at least 2 foot in width or Concrete Curb & Guttering may be installed for proper drainage. See drainage requirements below.
7. All roads will use metal culverts at least 15 inches by a minimum of 24 feet. Longer pipes could be required based on the width of the road. Any changes must be in written form and approved by the Owen County Fiscal Court.
8. All records for the construction of the road will be required before final inspection.
9. Final inspection must be completed and signed by both a Kentucky Registered Engineer and the Owen County Road Foreman.

## 420 EASEMENTS

Easements on adjoining properties shall connect as deemed necessary.

### A. UTILITY EASEMENTS

Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within the street right-of-way, perpetual unobstructed easements of adequate width for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains or other utilities shall be provided across property outside the street right-of-way lines and with satisfactory access to the street. The Fiscal Court may require such easement to be centered along all rear lot lines and/or along side lot lines. If such easement is required an access area to the easement must be provided to enter the easement without entering individual properties.

### B. DRAINAGE EASEMENTS

If a perennial stream flows through or is adjacent to the proposed subdivision, the plat plan shall provide for an easement for a floodway of at least seventy-five (75) feet measured on each side from the thread of the watercourse. The floodway easement shall provide for future improvement of the stream channel as adjacent areas become more developed and runoff rates increase.

### C. EASEMENTS FOR PEDESTRIAN ACCESS

The Fiscal Court may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, a perpetual unobstructed easement of at least ten (10) feet in width.

D. SCENIC EASEMENTS

The Fiscal Court may require, as a prerequisite to plat approval, for the applicant to provide scenic easements, which are shown on the plat. The easements shall be drawn in such manner to protect the character of the natural environment of the land to be subdivided and may include trees, general vegetation, watercourses and bodies, sinkholes, rock formations and topography.

430 LOTS

A. LOT ARRANGEMENT

The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development. All lots will have one livable building on them.

B. LOT DIMENSIONS AND AREA

All residential lots shall be a minimum of one (1) acre (43,560 square feet) and front on a public street and, without invalidating any of the provisions of these regulations; such frontage will extend a minimum of seventy-five (75) feet at the building line and a minimum of sixty (60) feet elsewhere after 250 feet except for lots which front on turnarounds for permanent dead-end streets or on curves of a minimum radius of one hundred (100) feet, which shall be allowed a minimum of forty (40) feet at the building line. In all cases the width of a lot at the building line, area and yards shall conform to the applicable requirements of these regulations. No lot shall have a depth of less than 100 feet. The depth should not be in excess of four times its width on lots 5 acres or less. If greater than 5 acres, that lot should have a minimum frontage of 250 feet at the building line.

Minimum setbacks for dwellings on a lot will be as follows

Front – Seventy-five (75) feet.

Side – Fifteen (15) feet.

Back – Twenty (20) feet

C. ACCESS TO LOTS

Lots shall have their primary access only from an approved street in accordance with these regulations. All points of access from an arterial street shall be approved by the Fiscal Court, which may require that several such lots be served by a combined marginal access street in order to limit possible traffic hazards on such street. In no case shall access to a lot be closer than one hundred and twenty-five (125) feet from an intersection with an arterial street. If access to a lot is from a collector or a marginal access street, a distance of no less than seventy-five (75) feet from any intersection shall be free from such access. If access to a lot is from a minor street, a distance of not less than fifty (50) feet shall be free from such access. In all cases, if a lot abuts an intersection on two classes of streets, access shall be from the lower class of street. Alleys shall not be deemed as streets to provide primary access for any use. Where a watercourse separates the buildable area of a lot from the access street, provision shall be made for the installation of a culvert or other structure of a design approved by the designated engineer or authorized person.

#### D. CORNER LOTS

Corner lots shall have a width sufficient to permit the establishment of front building lines on both the adjoining streets without reducing the buildable width below that of the average size lot in the subdivision. Property line radii at street intersections shall not be less than 20 feet.

#### 440 COMMUNITY FACILITIES

Where an area being subdivided included lands proposed to be used for parks or schools, under the duly adopted Road Regulations of the County, the subdivider shall not plat such lands as a part of the subdivision plat; and shall confer with the appropriate public agency regarding the time method and amount of payment for the agency to acquire the land. If no agreement has been reached upon the acquisition of the area within two years from the date of the submission of the final plan, the subdivider may then plat the balance of the area.

Where considered essential by the Court in its review of large scale or planned unit developments not anticipated in the adopted plans, the Court may required the reservation for purchase of such areas of an extent and location suitable for the needs created by such development for parks, schools, streets, or other public use for no more than two years.

In the subdivision of any land within the area of jurisdiction, due regard shall be given to all natural features such as tree stands, water courses, historical spots, or similar conditions which, if preserved, will contribute to the attractiveness and value of the proposed development.

The administration of these regulations by the Fiscal Court shall take into account the relationships between new development and the adopted community plans for utility systems. Proposed development shall be considered in terms of required service by sanitary sewer facilities, water supply, storm water drainage and energy supply. Where necessary, the Court shall require the provision of exclusive utility easements consistent with the needs to serve the proposed and future development. The plans for each of the following utilities shall receive final approval of the appropriate agency prior to construction. The improvement shall then either be in place and inspected, or a letter of credit posted in accordance with Article VII, prior to approval of the final plat.

A. SANITARY SEWAGE TREATMENT SERVICE

Where a public sanitary sewer system is reasonably accessible, as determined by the Fiscal Court, sanitary sewers shall be installed by the Developer to adequately serve all lots with connections to the public system.

Where a public sanitary sewer system is not reasonably accessible, septic tank or other individual systems may be installed subject to the approval and conditions of the County Health Department, based on the review of a site evaluation, soils analysis, and/or percolation data or other pertinent data for each lot in the proposed subdivision. If percolation tests are not conducted for each lot in the subdivision, the following disclaimer shall be placed on the plat, "Each lot on this plat has not been individually percolation tested for septic drainage field capability".

Where plans exist for extending a public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by a public sewer system within a period of five years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision.

Subject to the specific determination to the contrary by the Court or other agency, the following general standards shall apply. The minimum size sewer pipe connection to any parcel shall be four inches inside diameter (i.d.). The minimum sewer pipe line to be used is a residential subdivision shall be of eight inches i.d. except that a six inch i.d. line may be used to serve no more than four dwelling units. No sanitary sewer system shall be used for the disposal of storm water.

When the development of sanitary sewage treatment facilities is being proposed the Fiscal Court can give conditional approval. Before the Fiscal Court gives final approval the Subdivider shall submit plans for the



proposed sanitary sewage treatment facilities. Such plans shall be prepared by a Registered Civil Engineer and shall show pipe sizes, gradients, type of pipe, invert and finished grade elevations, location and type of manholes, the location, type and size of all lift or pumping stations and treatment facilities, id on site. Manholes shall be located at a maximum distance of every four hundred (400) feet and at changes in grade or direction and shall be designed as a logical extension of the public sewer system including trunk lines as needed to serve the subject tract and future extensions of the system.

Where septic tank systems are used, plans shall show percolation rates, the capacity of the tank and one potential location and proposed length of the drainage field for each parcel. If percolation tests are not conducted for each lot in the proposed subdivision, it shall be noted on the final record plat.

The Developer may be required to install collection or treatment facilities in excess of those required to adequately serve the subdivision if the Fiscal Court deems this action necessary to comply with the adopted Road Regulations, and after approval. In these cases, the County after such prior approval shall reimburse the Developer for the difference in cost between the facilities necessary to provide for future planned development.

In subdivisions where public sanitary sewer systems are not available and an individual will supply each dwelling with a septic system, a letter of acceptance and approval from the County Public Health Department must be submitted with the preliminary plat.

#### **B. STORMWATER DRAINAGE SYSTEM**

Provisions shall be made by the Developer for the collection and channelization of stormwater runoff by means of a stormwater drainage system designed to handle the runoff from storms occurring in an average frequency of ten years. The proposed system shall be subject to the review and approval of the Fiscal Court and/ or County Engineer.

Where an adequate public storm sewer is available at the subdivision boundary, the Developer shall construct the storm sewer system to connect with such storm sewer line. If such a system is not available, the Developer may be required by the Court to provide for the construction of necessary storm drainage facilities, as may be required beyond the immediate boundaries of the subdivision in order to conduct runoff to an acceptable point of disposal or provide on site detention to control the discharge rate of runoff.

The subdivider shall submit plans for the proposed stormwater drainage system with the filing of the preliminary plat for Court approval. Such plans shall show contours, catch basins, manholes, junction boxes, inlets, pipe storm drains, ditches, and holding ponds indicating size and material, culverts, and headwalls, bridges, pump stations, and discharge points.

The Developer may be required to install drainage structures in excess of those required to serve the subdivision if this action is deemed necessary to comply with the adopted Road Regulations and after prior approval of Fiscal Court. In these cases the County, after such prior approval, shall reimburse the Developer for the difference in cost between the drainage facilities actually needed in the subdivision and the cost of facilities necessary to provide for future planned development.

#### C. WATER SUPPLY SYSTEM

The Subdivider shall be required to provide an adequate supply of pure water to all lots in the subdivision. The water supply shall be sufficient to satisfy the needs of domestic uses. The distribution system shall be so designed and constructed as to form an integral part of the appropriate County's or rural water district's distribution system and be in conformity with the adopted Road Regulations. The distribution system shall be in accordance with current County or water district standards as well as the standards of the Department for Natural Resources and Environmental Protection. The line size, length, and configuration of all water systems for all proposed subdivisions, which plan to tie into an existing public water system, shall be reviewed and approved by the appropriate County department or rural water district. Where deemed applicable by the water company the size and location of the fire hydrants proposed shall be reviewed and approved by the appropriate fire departments and water utility company. All water mains, valves, and fire hydrants shall conform to the minimum requirements of the appropriate water company.

Whenever the County or rural water service deems it appropriate and necessary, and it is in keeping with the adopted Road Regulations, the Subdivider may, after prior approval of the County or appropriate water utility, be required to install water main and valves in excess of those required to adequately serve the subdivision. In these cases, the appropriate water utility, after such prior approval, shall reimburse the subdivider for the difference in cost between the water facilities actually needed in the subdivision and the cost of the water facilities necessary to provide for planned future development.

In subdivisions where a public water supply is not available and an individual well or cistern will supply each dwelling, a letter of acceptance

and approval from the County Public Health Department must be submitted with the preliminary plat.

**D. ELECTRIC, TELEPHONE AND GAS SERVICE**

Electric service and telephone service shall be accessible to each subdivision. Gas service may be required where reasonably accessible. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat. Where reasonably possible telephone, electric, street lighting wires, conduits and cables shall be constructed underground except in cases where the County Engineer or utility company determines that topographic, bedrock, or underground water conditions would result in excessive costs to the subdivider or that this requirement would not be possible or beneficial to the future residents. Proposed easements for these utilities shall be shown on the preliminary and final plats and shall conform to the requirements of Section 420.

The Subdivider shall set aside unobstructed land easements for the placement and access for maintenance of public and private utilities in accordance with requirements of Section 420(A) of these regulations.

**460 MAINTENANCE AND IMPROVEMENTS**

Where a subdivision contains sewers, sewage treatment plants, water supply systems, park areas, cemeteries, or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit, and where the Governing Authority does not desire to or cannot maintain such facilities, the supervision of such facilities shall be by the lot owners in the subdivision. Deed restrictions regarding the mandatory participation in a homeowner's association and listing the physical facilities for which the association shall be responsible shall be submitted with the preliminary and final plats and shall be recorded with the approved final plat along with the Certificate of Land Use Restrictions.

**470 INFRASTRUCTURE IMPROVEMENTS**

All streets, infrastructure and public ways shall be improved in compliance with applicable county or city standards; whichever is more stringent, as specified by separate regulations.

**480 AGREEMENTS AND GUARANTEES**

Guarantees: The subdivider may execute and file guarantees with the Fiscal Court in lieu of actual installation or completion of the required improvements, except for sidewalks, when requesting approval of the final plat. Such guarantees shall be based on a cost estimate for the required improvements as estimated by the

subdivider's engineer and approved by the Fiscal Court's duly authorized representative. The cost estimate shall be based on the amount determined to be reasonably necessary to complete all of the improvements required to be constructed by the subdivider, as specified in the approved improvement drawings and specifications, including a ten (10) percent contingency plus engineering fees and the fees for plan review and construction review as established by the Fiscal Court.

Except as herein provided, the guarantee shall be in the form of a good and sufficient surety bond, executed by the subdivider as principal, and a corporation authorized to act as a surety under the laws of the state of Kentucky, as surety. The guarantee shall be an assurance of faithful performance of any and all work and the construction and installation of all improvements required to be done by the subdivider, as specified in the approved improvement drawings and specifications, together with contingency plus all engineering fees and the fees for plan review and construction review as established by the Fiscal Court.

The guarantee shall contain the further condition that should the subdivider fail to complete all work and improvements required to be done by him/her within twenty four (24) consecutive calendar months of the date of approval of the final plat, or within a mutually agreed upon extension, but never to exceed twelve (12) consecutive calendar months, that the Fiscal Court may at its option cause all required work to be done and improvements constructed. The parties executing the guarantee shall be firmly bound for the payment of all necessary costs therefore. The Fiscal Court shall be authorized, in the extent of any default on the part of the subdivider of the performance of any work or construction of any improvements for which such guarantees have been deposited, to cause the required work to be done and to withdraw that amount required for payment of all costs thereof

**ARTICLE V**  
**PLAT SPECIFICATIONS**

500    WHERE FILED

Ten (10) copies of the plat, drawn to scale of not more than 100 feet to the inch, conforming to the requirements of this regulation, shall be submitted to the Judge/Executive's office 10 working days prior to the Fiscal Court meeting at which it is to be reviewed.

510    INFORMATION REQUIRED

The plat and accompanying documents shall show, at a minimum, the following information.

- A. Proposed name under which the subdivision is to be recorded; date; label "Preliminary Plat"; graphic scale; north arrow.
- B. Name, address, and telephone number of property owner, subdivider (if other than owner) and developer.
- C. Names, addresses, telephone number and seal of the registered professional engineer or land surveyor responsible for preparation of the plat and supplementary plans.
- D. Names and adjoining boundaries of adjacent property owners of record and abutting subdivisions and streets.
- E. Vicinity map at a scale of two thousand (2,000) feet per inch or greater shall be placed on the preliminary plat. The vicinity map shall show the subject property and surrounding land within one-half (1/2) mile and include existing roads with at least one intersection of common reference, scale, north arrow, streams, and an outline of the subject property. Boundary lines and streets in adjacent developments shall be shown and how they will connect with streets in the proposed subdivision to assure the most advantageous development. Existing and proposed shopping facilities, schools, and parks should be designated (may be on a U.S.G.S. map).
- F. The proposed subdivision shall be shown at a scale of not more than one hundred (100) feet per inch. Boundaries of the tract will be drawn to scale showing all bearings and distances to nearest one-hundredth foot.
- G. Location of all existing physical features including streams, wooded areas, existing structures, ponds and sinkholes.
- H. Location, dimensions, grades, profiles and names of existing streets, railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat for a minimum distance of two-hundred (200) feet.
- I. Location of existing sanitary and storm sewers, water mains, culverts, telephone, electric, and gas lines, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary sewer are to be indicated upon the plat. If public

water or sanitary sewers are not accessible to the subdivision, a report from the County Health Officer must accompany the preliminary plat indicating that satisfactory arrangements will be made for the provision of water and sewerage. If phone and gas are not immediately available, the plat shall have a note indicating when and where they will be available.

- J. Proposed location, right-of-way, pavement width, grade and plans of new streets (as per Section 410), including changes to existing streets, laid out according to sound planning principles.
- K. Proposed utility easements and other easements (as per Section 420) laid out according to sound planning principles. Plans and profiles for utilities shall include location, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities; facilities for storm water drainage; and other proposed improvements such as sidewalks, planting and parking, parks and any grading of individual lots, except when specifically not required by the Fiscal Court.
- L. Street names selected so as not to duplicate any other within the County.
- M. Total area of land to be subdivided determined by an acceptable engineering practice.
- N. Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and building setback line. Lots or parcels shall be laid out according to sound planning principles (as per Section 440).
- O. Acreage of each lot; acreage in streets; other pertinent acreages; note indicating the lot number and area in square feet of the smallest lot in the subdivision.
- P. Designation and acreage of all lots and areas to be used for non-residential purposes including lots reserved or dedicated for public use and utility installations. All such lots shall be assigned lot numbers.
- Q. Location and type of monuments and pins, which shall be placed at the intersection of property lines, the intersection of street center lines, changes in street direction, and the intersections and angles of the subdivision boundary.
- R. Subdivision plats being submitted for industrial or commercial development shall also show access points, building masses including proposed entrances, loading areas, and when possible, the number of establishments to be contained within.
- S. The subdivider's proposal to the Governing Authority for accomplishing the installation of improvements in accordance with Article VII of this regulation.
- T. The following certifications shall be affixed to the plat or to the appropriate page of the plans and profiles (Appendix I)
  - (1) Water and Sewer Availability or System Plans (Forms "A", "B", and/or "C")
  - (2) Ownership and Dedication (Form "D")
  - (3) Accuracy (Form "E")
  - (4) Availability of electric, gas, and telephone (Form "F", use this form for each applicable utility).
  - (5) Review of Department of Highways (Form "G")

- (6) Review by County Engineer for streets and stormwater management system (Form “H”)
- (7) Review by Fire Department (Form “I”)
- (8) Approved by Fiscal Court (Form “J”)

## 520 APPROVAL OF PLAT

The plat shall be reviewed and acted upon at a regular meeting of the Fiscal Court. The developer will be invited to address the Fiscal Court and discuss the technical aspects of the Plat. Public hearings upon subdivisions shall be discretionary with the Fiscal Court.

Within 60 days after the submission of the plat and other required materials submitted in conformity with these regulations, the Fiscal Court shall state, in writing, to the subdivider its approval or state the conditions of such approval, or in the event of disapproval, shall state its disapproval and reasons therefore; provided however, that the subdivider may waive the time limitation requirements by letter an consent to an extension of such period.

The action of the Fiscal Court shall be noted on two copies of the plat, designating one as the “official copy” which is to be retained in the files of the Fiscal Court; the other as the “owner’s copy” which shall be furnished to them or their authorized agent. Conditional approval of the preliminary plat by the Fiscal Court shall constitute conditional approval of the final subdivision plat provided it conforms to the provisions of these regulations, any additional conditions and conforms substantially with the official copy of the plat.

## 530 FEES FOR FILING A PLAT WITH THE FISCAL COURT

There is an initial fee of two hundred and fifty dollars (\$250) to file a subdivision plat with the County. The filer agrees to pay all Engineering and Consulting fees the County will incur to have the plat reviewed as stated in these subdivision regulations. Any and all out of pocket expenses incurred by the County related to review and approval of the plat will be paid for by the filer.

Additional fees can be set by the Fiscal Court.